REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 15-34 will be pending. By this amendment claims 15, 17, 19, and 21 have been amended. No new matter has been added.

§103 Rejection of Claims 15-22

In Section 3 of the Office Action, the Examiner has rejected claims 15-22 under 35 U.S.C. §103(a) as being unpatentable over Raychaudhuri *et al.* (U.S. Patent No. 5,122,875; hereinafter referred to as "Raychaudhuri") in view of Behlen (U.S. Patent No. 5,351,047). Claims 15, 17, 19, and 21 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that "[i]n decoding the picture from the bit stream, header data is the most important out of the entire bit stream. Therefore, if the header data is lost due to any error or the like in the data transmission channel, it will bring about a fatal result in decoding the picture. The header data used in the MPEG 2 is greater in amount (number of bits) as compared with that in the MPEG 1. An in accordance with a quantitative increase of the header data in the bit stream, there arises a problem that the header data is more prone to be subjected to an error. In view of such point, it is preferred to minimize the amount of the header data to be transmitted." *Background of the Specification, page 5, line 22 to page 6, line 10.*

The steps of picture encoding method claim 15, as presented herein, include:

> "generating a bit stream, the bit stream being compatible with MPEG 1 moving picture video standard and comprising *an extension byte, which includes information*

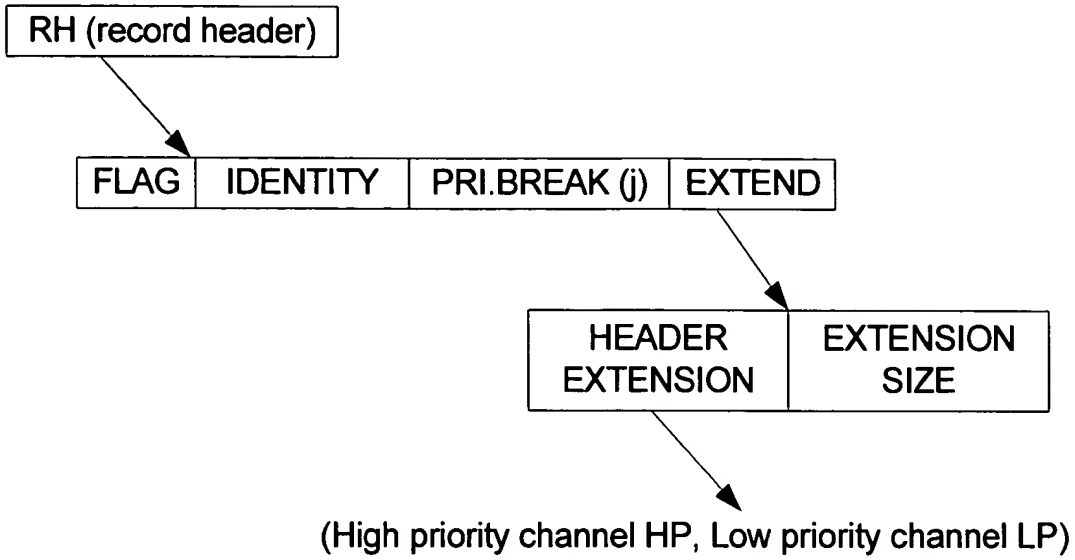
identifying the type of control data, in at least a header of a specified layer of the bit stream, the extension byte being extension data added when a header includes more control data than is prescribed for a header according to the MPEG 1 standard, the method comprising the steps of:

storing an extension byte of an anterior header of said specified layer;

comparing an extension byte of a current header of said specified layer to the extension byte of said anterior header; and

transmitting, when the extension byte of said current header is different from the extension byte of said anterior header, the extension byte of said current header and an extension start code indicating the beginning of the extension byte of said current header, and not transmitting, when the extension byte of said current header is the same as the extension byte of said anterior header, the extension byte of said current header and an extension start code indicating the beginning of the extension byte of said current header." *(emphasis added)*

Raychaudhuri discloses that "[f]ollowing the FLAG is an identifier IDENTITY, which indicates a) the field/frame type I, B, or P; b) a field/frame number (modulo 32) FRAME ID; and c) a slice number (modulo 64) SLICE IDENTITY. ... an optional header extension may be included in the HP record header." *Raychaudhuri, column 12, line 68 to column 13, line 11.* Further, HEADER EXTENSION includes a high priority channel HP and a low priority channel LP. ... The high priority information includes substantially all of the header information included in the different hierarchical levels plus the DC coefficients of the respective blocks and a portion of the AC coefficients of the respective blocks (level 6, FIG. 3A)." "Low priority information is the remaining information." *Raychaudhuri, column 5, line 65 to column 6, line 8.* Therefore, the configuration of the header in Raychaudhuri (FIG. 6) is as shown below:



Further, the Examiner indicates that "operands of the comparison would be the same, but the information repositories are different."

Although Behlen discusses using an "extension byte" to extend the range of a control word, Behlen fails to teach or suggest adding the "extension byte" (*i.e.*, the control data) to the extension start code when the header includes more control data than is prescribed for a header in a data stream.

The encoding method of claim 15, however, includes information identifying the type of control data, which is appended after the extension start code (32 bits), for the MPEG 2 format. The data transmitted "anterior" to the extension start code already exists in the MPEG 1 format. *Specification, page 19, lines 7-12.* If none of the extension start code is included in the picture data to be decoded (*i.e.*, when the extension start flag S200 is not raised), the header data of the specified layer stored in the memory 102 is duplicated and stored in the memory 101 so that it can be used as the control data subsequent to the extension start code of the specified layer currently being encoded. *Specification, page 23, lines 12-18.* Therefore, the extension byte disclosed in claim 15 is defined to include the extension start code and the control data.

Based on the foregoing discussion, it is maintained that the characteristic of the limitations in claim 15 is different from that of Raychaudhuri and Behlen, in combination or individually. Further, the effects of claim 15 cannot be obtained from operating the combination of Raychaudhuri and Behlen.

Therefore, claim 15 should be allowable over the combination of Raychaudhuri and Behlen. Also, claim 17 recites a decoding method corresponding to the encoding method of claim 15. Furthermore, since apparatus claims 19 and 21 closely parallel, and include substantially similar limitations as, method claims 15 and 17, respectively, claims 19 and 21 should also be allowable over the combination of Raychaudhuri and Behlen. Further, since claims 16, 18, 20, and 22 depend from claims 15, 17, 19, and 21, respectively, claims 16, 18, 20, and 22 should also be allowable over the combination of Raychaudhuri and Behlen.

Accordingly, it is submitted that the Examiner's rejection of claims 15-22 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 23-34

In Section 6 of the Office Action, the Examiner has rejected claims 23-34 under 35 U.S.C. §103(a) as being unpatentable over Raychaudhuri in view of Behlen, and further in view of Meyer (U.S. Patent No. 5,502,493).

Based on the foregoing discussion regarding claims 15, 17, 19, and 21, and since claims 23-34 depend from claims 15, 17, 19, and 21, claims 23-34 should also be allowable over the combination of Raychaudhuri and Behlen.

Further, it was indicated in Section 6 that Meyer discloses the use of extension start code

identifiers in order to allow for expansion and customization of the video compression syntax of the MPEG standard. Meyer fails to teach or suggest adding the "extension byte" to the extension start code when the header includes more control data than is prescribed for a header in a data stream.

Based on the foregoing discussion, it is maintained claims 23-34 should be allowable over the combination of Raychaudhuri, Behlen, and Meyer.

Accordingly, it is submitted that the Examiner's rejection of claims 23-34 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 15-38 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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